



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/072,988

02/12/2002

Chris E. Rowen

LEGAP002

3521

57255

7590

09/22/2009

VAN PELT, YI & JAMES LLP AND EMC CORPORATION
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO, CA 95014

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2452

MAIL DATE

DELIVERY MODE

09/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/072,988	Applicant(s) ROWEN, CHRIS E.	
	Examiner DOHM CHANKONG	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,15,18-20,37 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7, 15, 18-20, 37, and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Applicant's request for continued examination which was filed on 7/7/2009. Claims 1, 3, 15, 18, 37, and 39 are amended. Claims 5, 6, 8-14, 16, 21-36, and 42-44 were previously cancelled. Claims 2, 17, and 38 are now cancelled. Accordingly, claims 1, 3, 4, 7, 15, 18-20, 37, and 39-41 are presented for further examination. This action is a non-final rejection.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/7/2009 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 15, 37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2452

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- I. **CLAIMS 1, 3, 7, 15, 18, 20, 37, 39 AND 41 ARE REJECTED UNDER 35 U.S.C. §103(A) AS BEING UNPATENTABLE OVER *HUGHES*, U.S. PATENT NO. 6.122.372, IN VIEW OF *YEAGER*, U.S. PATENT NO. 6.167.402, IN FURTHER VIEW OF *CLOUTIER ET AL*, U.S. PATENT NO. 6.535.586 [*“CLOUTIER”*].**

All citations are to *Hughes* unless otherwise noted.

Claims 1, 15, 37, and 41

As to claim 1, *Hughes* discloses a method for identifying a unique electronic mail message in a plurality of electronic mail messages extracted from an electronic mail messaging system, the method comprising:

retrieving from a mailbox on the electronic mail messaging system a copy of a message [*Yeager*, column 2 «lines 49-62» : teaching the well known feature of retrieving messages from a user's inbox], the message including a plurality of message properties [Fig. 2 | column 8 «lines 43-45»]

computing a message tag from a subset of the plurality of message properties, at least in part by concatenating a message sender and a message submission time [column 10 «lines 30-35» | column 11 «lines 16-20» | Figure 2 where : *Hughes* hashes a “message set” where the message set includes the “current time” and sender ID. *Hughes* describes the “current time” as “the time that the message was sent by the sender & *Cloutier*,] and applying a hash algorithm to the resulting string [column 10 «lines 30-35» | column 11 «lines 16-20»];

reviewing a list of message tags stored in a single shared index file associated with multiple electronic mail recipients wherein the message tags are stored in the single shared index file are computed from respective messages [column 3 «lines 23-30» | column 19 «lines 17-27»]: *Hughes* implies an index file through his teaching of searching for a match in the database],

Art Unit: 2452

properties of messages retrieved from a plurality of mailboxes associated with multiple electronic mail recipients [*Yeager*, column 2 «lines 49-62» | column 7 «lines 7-11»];

determining based upon whether the message tag is found in the single shared index file whether the message is not a duplicate message already stored in a message archive [column 19 «lines 17-27»];

storing the message tag in the single shared index file and storing the message in the message archive if it is determined the message is not a duplicate message [column 19 «lines 37-47»]; and

wherein a copy of the message, if stored in the message archive, is archived for a mandated period of time [column 10 «lines 30-33 and 47-52»: in one embodiment, *Hughes*’ “expiration time” refers to “how long messages must be stored” | column 24 «lines 32-47» : “maximum holding time”].

As indicated by the foregoing mapping, *Hughes* does not expressly disclose (1) retrieving from a mailbox on the electronic mail messaging system a copy of the message; (2) that the messages are retrieved from a plurality of mailboxes associated with multiple electronic mail recipients; and (3) concatenating the message sender and a message submission time. However, these features were well known in the art at the time of Applicant's invention as evidenced by *Yeager* and *Cloutier*.

Yeager teaches the first two features in an invention directed towards a message store that contains an index file [abstract]. Like *Hughes*, *Yeager* discloses hashing email messages in order to prevent storing duplicate copies within a message store [column 10 «lines 5-7»]. Unlike *Hughes*, *Yeager* discloses (1) retrieving from a mailbox on the electronic mail messaging system

Art Unit: 2452

a copy of the message [column 2 «lines 49-62» : teaching the well known feature of retrieving messages from a user's inbox] and (2) that the messages are retrieved from a plurality of mailboxes associated with multiple electronic mail recipients [column 2 «lines 49-62» | column 7 «lines 7-11»].

Despite not expressly teaching a plurality of mailboxes, this feature is implied by the fact that there are multiple mail recipients. It would have been obvious to one ordinary skill in the art to have reasonably inferred the presence of multiple inboxes (and therefore retrieval from them) when there are multiple recipients. It would have been further obvious to one of ordinary skill in the art to have modified *Hughes* invention with *Yeager*'s teachings retrieving and storing email messages. Given *Hughes* teaching that his invention is compatible with emails [column 8 «lines 43-44»], one would have been motivated to adapt *Hughes* message store to be compatible with email systems to increase the store's functionality and usefulness.

As to the third feature, while *Hughes* discloses computing a message tag by using a message sender and message submission time, *Hughes* does not expressly disclose concatenating these two properties. *Cloutier* teaches this feature in an invention directed towards generating unique codes for email messages [abstract]. Specifically, *Cloutier* discloses concatenating message properties to generate a message tag [column 6 «lines 5-35» : *Cloutier* discloses computing a checksum by appending the data from the Date and From header fields of the message].

It would have been obvious to one of ordinary skill in the art to have modified *Hughes* to include *Cloutier*'s teachings of calculating a checksum from concatenating message properties. One would have been motivated to adapt *Hughes* in such a manner because *Cloutier* teaches that

Art Unit: 2452

such a feature insures the generation of a unique code signature for each message thereby increasing the reliability of *Hughes*' invention.

As to claims 15, 37, and 41, they are rejected for at least the same reasons set forth for claim 1.

Claims 3, 18, and 39

As to claim 3, *Hughes* as modified by *Yeager* and *Cloutier* discloses applying a hash algorithm to the message tag forms a uniform string wherein the uniform string, wherein the uniform string has a predetermined length [column 10 «lines 30-35» | column 11 «lines 16-20» | Figure 2 & *Cloutier*, column 6 «lines 5-35»]. As to claims 18 and 39, they are rejected for at least the same reasons set forth for claim 3.

Claims 7 and 20

As to claim 7, *Hughes* as modified by *Yeager* and *Cloutier* discloses the index file is stored in a relationship database system [column 3 «lines 23-30» | column 19 «lines 17-27»]. As to claim 20, it is rejected for at least the same reasons set forth for claim 7.

II. **CLAIMS 4, 19, AND 40 ARE REJECTED UNDER 35 U.S.C. §103(A) AS BEING UNPATENTABLE OVER *HUGHES*, IN VIEW OF *YEAGER* AND *CLOUTIER*, IN FURTHER VIEW OF *MATTIS* ET AL, U.S. PATENT NO. 6.292.880 [*"MATTIS"*].**

All citations are to *Hughes* unless otherwise noted.

Claims 4, 19, and 40

As to claim 4, while *Hughes* as modified by *Yeager* and *Cloutier* teaches hashing message properties, *Hughes* does not expressly disclose utilizing MD5 as the hash algorithm. However, implementing MD5 as a hash algorithm with respect to messages was well known in the art at the time of Applicant's invention.

Art Unit: 2452

Mattis expressly discloses hashing message tags using the MD5 algorithm to form a uniform string [column 9 «lines 48-63»]. It would have been obvious to one of ordinary skill in the art to have implemented *Hughes* hashing algorithm as an MD5 algorithm. The MD5 hashing algorithm was well known in the art at the time of *Hughes* invention.

As to claims 19 and 40, they are rejected for at least the same reasons set forth for claim 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/072,988

Page 8

Art Unit: 2452

/Dohm Chankong/

Primary Examiner, Art Unit 2452